



970016

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/15/2021	.	
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The Committee on Judiciary (Bracy) recommended the following:

**Senate Amendment**

Delete lines 12 - 42  
and insert:

Section 1. Subsection (8) is added to section 943.0586,  
Florida Statutes, as created by SB 468 or similar legislation,  
2021 Regular Session, to read:

943.0586 Expunction of qualifying cannabis offenses.—

(8) PUBLIC RECORDS—A criminal history record ordered  
expunged under this section which is retained by the department  
is confidential and exempt from s. 119.07(1) and s. 24(a), Art.



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12 I of the State Constitution, except that the department shall  
13 disclose the existence of a criminal history record ordered  
14 expunged to the entities set forth in subparagraphs (6)(a)1. and  
15 3.-7. for their respective licensing, access authorization, and  
16 employment purposes and to criminal justice agencies for their  
17 respective criminal justice purposes. It is unlawful for any  
18 employee of an entity set forth in subparagraph (6)(a)1.,  
19 subparagraph (b)3., subparagraph (b)4., subparagraph (b)5.,  
20 subparagraph (b)6., or subparagraph (b)7. to disclose  
21 information relating to the existence of an expunged criminal  
22 history record of a person seeking employment, access  
23 authorization, or licensure with such entity or contractor,  
24 except to the person to whom the criminal history record relates  
25 or to persons having direct responsibility for employment,  
26 access authorization, or licensure decisions. A person who  
27 violates this paragraph commits a misdemeanor of the first  
28 degree, punishable as provided in s. 775.082 or s. 775.083. This  
29 section is subject to the Open Government Sunset Review Act in  
30 accordance with s. 119.15 and shall stand repealed on October 2,  
31 2025, unless reviewed and saved from repeal through reenactment  
32 by the Legislature.

33 Section 2. The Legislature finds that it is a public  
34 necessity that individuals who petition a court and are granted  
35 expunction of certain low-level and nonviolent criminal history  
36 records have such criminal history records made confidential and  
37 exempt from s. 119.07(1), Florida Statutes, and s. 24(a),  
38 Article I of the State Constitution. The Legislature recognizes  
39 the disproportionate harm that criminalizing the purchase or  
40 possession of small amounts of cannabis has had on minorities



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41 and disadvantaged communities. The Legislature further  
42 recognizes the trends in this state, and nationally, of counties  
43 and localities decriminalizing the purchase or possession of  
44 small amounts of cannabis. The Legislature also recognizes the  
45 need for certain limited exceptions are necessary for public  
46 safety. Without this public records exemption, individuals  
47 having such low-level and nonviolent criminal history records  
48 who are granted expunction of such records might not be able to  
49 seek gainful employment and become productive, contributing  
50 members of this state. For these reasons, the Legislature finds  
51 that it is a public necessity that such records be made  
52 confidential and exempt.

53       Section 3. This act shall take effect on the same date that  
54 SB 468 or similar legislation takes effect, if such legislation  
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